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May 26, 2006

VIA ECF

Chambers
Honorable A. Kathleen Tomlinson
United States Magistrate Judge
United States District Court
Eastern District of New York
934 Federal Plaza
Central Islip, NY 11722

Re: Merone v. Cohen and Slamowitz et al.
Civil Action No. 05-CV-3347

Your Honor:

I am the attorney for the Plaintiff in the above entitled matter. I am submitting this letter at the Court's direction to [1] explain my absence at the most recent status conference in this action scheduled for May 18, 2006, and [2] provide the Court with the status of the Stipulation of Confidentiality regarding certain discovery matters.

On the first issue, my failure to appear at the status conference on May 18, 2006 was the result of an oversight on my part. I had not calendered the conference on my normal written scheduling records. This was exacerbated by the fact that my receptionist was not in the office on May 18, 2006. As a result, when Your Honor's chambers called my office that day to inquire as to my whereabouts, there was no one to answer the telephone. This caused the message to route directly into my office voice-mail. Under normal circumstances, my receptionist would have attempted to contact me at home or by cell phone immediately. In this case, I did not hear the voice message until the next evening, Friday, May 19.

Accordingly, I sincerely apologize for any inconvenience that my absence may have caused to Your Honor's Court or to opposing counsel.

As to the second issue, I can report that a modified Stipulation of Confidentiality has been executed by Mr. Merone and the undersigned and has been sent by Certified Mail to counsel for the Defendants as of today.

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DAVID GORDON, ESQ.

Hon. A. Kathleen Tomlinson
5-26-06

I thank the Court for Your Honor's consideration in this matter.

Respectfully submitted,

/s/

DAVID GORDON, ESQ.

DG/jm

cc: Mark Mancher, Esq. [via Facsimile and First-Class Mail]
Ana Cenanovic, Esq. [via Facsimile and First-Class Mail]